

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WILLIAM J. KOTIS,)	CIVIL NO. 04-00167 SOM/LEK
)	CIVIL NO. 03-00455 SOM/KSC
Plaintiff,)	(Consolidated)
)	
vs.)	
)	ORDER DENYING EX PARTE MOTION
STATE OF HAWAII DEPARTMENT OF)	FOR APPOINTMENT OF COUNSEL
PUBLIC SAFETY, et al.,)	
)	
Defendants.)	
_____)	

ORDER DENYING EX PARTE MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff William Kotis has submitted to Judge David Ezra an Ex Parte Motion for Appointment of Counsel. In this motion, Kotis asks that Judge Ezra "reprimand Judge Mollway and reverse her rulings so that I will have an attorney, discovery and witnesses and a fair trial." Judge Ezra has referred the motion to Judge Mollway, as there is no mechanism for one federal district judge to "reprimand and reverse" another federal district judge in connection with rulings in any case. Of course, each federal district judge is free to rule in that judge's assigned cases without regard to another federal district judge's rulings in that other judge's assigned cases. Kotis, however, has no recourse with Judge Ezra with respect to Judge Mollway's rulings. Kotis must instead complete proceedings before Judge Mollway and may then challenge adverse rulings on appeal to the Ninth Circuit, not to Judge Ezra.

The present motion is an untimely reconsideration motion. It is denied as untimely and as not raising arguments indicating any reason to revisit previous rulings in this case.

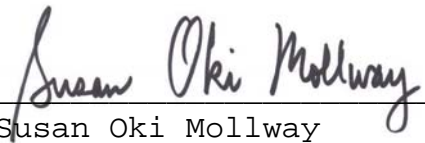
This order reiterates that, as stated at the status conference on June 30, 2006, the jury trial of this case is advanced from July 25, 2006, to July 18, 2006. This one-week advancement is ordered pursuant to Local Rule 40.3, which provides that any case set for trial shall be on standby status the previous week and may be tried during that previous week. Advancement, agreed to by the parties, is particularly appropriate here. First, trial was set for June 2006 and postponed at the last minute because of a criminal trial that had precedence. The parties should have been ready for trial in June 2006. Second, if trial is advanced to July 18, 2006, it appears the trial can proceed on that day, while a criminal case threatens to "bounce" this case on July 25, 2006.

The Clerk of Court is directed to send this order to Kotis at the Federal Detention Center in Honolulu (not to the earlier Mississippi address), Reg. No. 93216-022, and to defense counsel.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii; June 30, 2006.





Susan Oki Mollway
United States District Judge

William J. Kotis v. State of Hawaii Department of Public Safety;
CIVIL NO. 04-00167 SOM/LEK; CIVIL NO. 03-00455 SOM/KSC
(Consolidated); ORDER DENYING EX PARTE MOTION FOR APPOINTMENT OF
COUNSEL